

FORM 26. Docketing Statement

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 13-1682

Finjan, Inc.

v.

Symantec Corp., Websense, Inc., and Sophos, Inc.,

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent Finjan, Inc.

Party is (select one)



Appellant/Petitioner



Cross-Appellant



Appellee/Respondent



Intervenor

Tribunal appealed from and Case No. U.S. District Court for the Dist. of Delaware, 10-593-GMS

Date of Judgment/Order 12/21/2012 Type of Case Civil - Patent Infringement

Relief sought on appeal Reversal of the finding of invalidity of claims 1-2, 32, 35-37, 58, and 65-66 of U.S. Patent No. 6,092,194 and claims 1, 5-6, 12, 15, 21, 33, 37-38, 45, 52 and 55 of U.S. Patent No. 6,480,962, in the alternative a new trial on the validity of the above listed claims.

Relief awarded below (if damages, specify) None.

Briefly describe the judgment/order appealed from 12/21/12 Judgment; 9/9/13 Memorandum Opinion; 12/21/12 Jury Verdict; all instructions provided to the jury by the Court, including the 12/3/12 Preliminary Jury Instructions, the 12/20/12 Final Jury Instructions, and any additional instructions provided by the Court during the trial.

FORM 26. Docketing Statement (continued)

Nature of judgment (select one)

- ☒ Final Judgment, 28 USC 1295
- ☐ Rule 54(b)
- ☐ Interlocutory Order (specify type) _____
- ☐ Other (explain; *see* Fed. Cir. R. 28(a)(5)) _____

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued _____

None.

Brief statement of the issues to be raised on appeal _____

Without waiving the right to raise additional issues, Finjan, Inc. states that the issues on appeal include, but are not limited to: validity of claims 1-2, 32, 35-37, 58, and 65-66 of U.S. Patent No. 6,092,194 and claims 1, 5-6, 12, 15, 21, 33, 37-38, 45, 52 and 55 of U.S. Patent No. 6,480,962, or in the alternative a new trial on the validity of the above listed claims.

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below?
- ☒ During the pendency of the case below?
- ☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated?

☐ Yes ☒ No

If they were mediated, by whom? _____

FORM 26. Docketing Statement (continued)

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

If you answered no, explain why not _____
 Claims of U.S. Patent Nos. 6,480,962 and 6,092,194 are currently found invalid.

Provide any other information relevant to the inclusion of this case in the court's mediation program. _____
 None.

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 9th day of October, 2013

by: Appellate ECF and by electronic mail _____
 (manner of service)

Paul J. Andre	/s/ Paul J. Andre
_____	_____
Name of Counsel	Signature of Counsel

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PROOF OF SERVICE

The undersigned hereby certifies that on October 9, 2013, a copy of the foregoing documents:

**ENTRY OF APPEARANCE – PAUL ANDRE
APPELLANT’S CERTIFICATE OF INTEREST
APPELLANT’S DOCKETING STATEMENT**

were filed electronically with the Clerk of the Court using the Appellate CM/ECF System, which will send a Notice of Docket Activity via electronic mail to all counsel of record. Additionally, a copy of the foregoing documents were served upon counsel for each of the Defendants-Appellees via electronic mail listed below:

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Dated: October 9, 2013

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